

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Urban Commons 2 West LLC, Urban
Commons 2 West II LLC, and Urban
Commons 2 West III LLC,

Petitioner,

v.

New York Hotel & Motel Trades Council,
AFL-CIO,

Respondent.

Civil Action No. 1:21-cv-04842

DECLARATION OF ANDREW M. GROSSMAN

Pursuant to 28 U.S.C. § 1746, I, Andrew M. Grossman, declare as follows:

1. I am over the age of 18 years and am competent to make this declaration.
2. I am a partner at Baker & Hostetler LLP, and I am counsel to Urban Commons 2 West LLC, Urban Commons 2 West II LLC, and Urban Commons 2 West III LLC (collectively, “Urban Commons”) in this matter. I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would competently testify thereto.
3. The Impartial Chairman’s (the “IC”) Award #2021-31 in this matter issued on March 10, 2021. A true and correct copy of Award #2021-31 is attached as Exhibit 1.
4. The IC issued a clarification on March 31, 2021. A true and correct copy of the March 31, 2021 clarification, Award #2021-39, is attached as Exhibit 2.
5. On May 4, 2021, counsel for Respondent sent a letter to counsel for Urban Commons and counsel for Highgate Hotels, LP (“Highgate”). A true and correct copy of the May 4, 2021 letter is attached as Exhibit 3.
6. Urban Commons and the Union have agreed to be bound by the Industry Wide Agreement (“IWA”). A true and correct copy of the 2012 IWA is attached as Exhibit 4.
7. A true and correct copy of the 2015 IWA extension is attached as Exhibit 5.

8. A true and correct copy of the Mortgage Agreement between Urban Commons and Lender is attached as Exhibit 6.

9. A true and correct copy of the Subordination, Assignment, Nondisturbance and Attornment Agreement (“SNDA”) between Lender, Urban Commons, and Highgate is attached as Exhibit 7.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 1, 2021

/s/ Andrew M. Grossman

ANDREW M. GROSSMAN